

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Kevin D. Fisher,

Plaintiff,

INTERROGATORIES

vs.

Christopher Radko

Case No: 07-cv-9239 (SCR)

and

Rauch Industries, Inc.,

Defendants.

SIRS AND MESDAMES:

PLEASE TAKE NOTICE THAT Plaintiff, KEVIN D. FISHER, by and through his attorneys, DELAIN & LIEBERT, PLLC, requests that, pursuant to Rule 33 of the Federal Rules of Civil Procedure, you respond to the attached Interrogatories listed below. In addition to producing the responses categorized below, you must serve a written response to this Request upon the undersigned within thirty (30) days of service of this Request stating whether and to what extent you will comply with each Request.

SEE SCHEDULE A ATTACHED

These responses and documents must be produced on or before April 14, 2008 at 10:00 a.m. in the offices of Delain & Liebert, PLLC (Nancy Baum Delain of record), whose address is 470 Clifton Corporate Parkway, Clifton Park, New York 12065.

Dated: 13 March 2008

Yours, etc.
Delain & Liebert, PLLC



Nancy Baum Delain
Bar Roll No. ND9920
Attorneys for Plaintiff
470 Clifton Corporate Parkway
Clifton Park, NY 12065
Tel: 518-371-4599

TO: Damir Cefo, Esq.
Attorney for Defendant Rauch Industries
Cohen & Gresser, LLP
100 Park Ave.
New York, NY 10017

Karen H. Bromberg, Esq.
Attorney for Defendant Rauch Industries
Cohen & Gresser, LLP
100 Park Ave.
New York, NY 10017

Harvey Bernard Silikovitz, Esq.
Attorney for Defendant Rauch Industries
Cohen & Gresser, LLP
100 Park Ave.
New York, NY 10017

Judith H. Weil, Esq.
Attorney for Defendant Christopher Radko
225 Broadway
New York, NY 10007

Matthew S. Nelles, Esq. **Via Fax**
Attorney for Defendant Christopher Radko
Ruden McClosky
200 E. Broward Blvd, Suite 1500
PO Box 1900
Fort Lauderdale, FL 33302
Fax: 954-333-4092

SCHEDULE A

DEFINITIONS:

1. "Fisher" shall mean Kevin D. Fisher, a natural person and the plaintiff in this action, and his authorized agents or representatives.
2. "Rauch" shall mean Rauch Industries, Inc., a North Carolina Corporation and its officers, shareholders, directors, employees and other authorized agents, a defendant in this action.
3. "Radko" shall mean Christopher Radko, a natural person and a defendant in this action, and his authorized agents or representatives
4. "Flight" shall mean the original artwork done by Fisher entitled "The Flight of Saint Nicholas."
5. "Emerald" shall mean the original artwork done by Fisher entitled "Emerald Frost."
6. "Flight Ornament" shall mean the blown-glass ornament that Plaintiff contends is taken from "Flight of Saint Nicholas" and developed, marketed and sold by Defendants.
7. "Emerald Ornament" shall mean the blown-glass ornament that Plaintiff contends is taken from "Emerald Frost" and developed, marketed and sold by Defendants.

INTERROGATORIES Under Fed. R. Civ. P. 33

INTERROGATORY NO. 1. Explain how Rauch originated and developed the concept for the Flight Ornament.

RESPONSE:

INTERROGATORY NO. 2. Explain how Radko originated and developed the concept for the Flight Ornament.

RESPONSE:

INTERROGATORY NO. 3. Explain how Rauch originated and developed the concept for the Emerald Ornament.

RESPONSE:

INTERROGATORY NO. 4. Explain how Radko originated and developed the concept for the Emerald Ornament.

RESPONSE:

INTERROGATORY NO. 5. Provide the names and contact information (address, email, telephone) of all expert witnesses whom you intend to use during the trial of this matter.

RESPONSE: